

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 SUSAN CADENASSO,

No. C 11-00097 CRB

12 Plaintiff,

**ORDER DENYING TEMPORARY
RESTRANDING ORDER**

13 v.

14 CITIMORTGAGE INC., et al.,

15 Defendants.

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17 Pro se plaintiff Susan Cadenasso has filed an application for a Temporary Restraining
18 Order. This application is DENIED because it does not meet the requirements for relief. See
19 generally Winter v. Natural Res. Def. Council, Inc., --- U.S. ----, ----, 129 S.Ct. 365, 374, 172
20 L. Ed. 2d 249 (2008); Alliance for Wild Rockies v. Cottrell, No. 09-35756, 2010 WL
21 3665149, *8 (9th Cir. Sept. 22, 2010).

22 In this Circuit “serious questions going to the merits” and a hardship balance that tips
23 sharply toward the plaintiff can support issuance of an injunction, assuming the other two
24 elements of the Winter test are also met.” Alliance for the Wild Rockies, 622 F.3d at 1052.
25 Here, the Court recognizes that the balance of the hardship tips in favor of Plaintiff, but it is
26 not convinced that she has raised serious questions going to the merits in her assertion that
27 the foreclosure on her home was unlawful. Moreover, the “two other two elements” of
28 Winter have not been met, because Plaintiff has not established that she faces irreparable

1 harm. Plaintiff's home has already been foreclosed upon and she is seeking only to avoid
2 eviction. See Wendt v. Edward D. "Tito" Smith, No. 02-1361-VAP (SGL), 2003 WL
3 21750676, at *3 (C.D. Cal. Jan. 30, 2003) ("eviction from property to which they have no
4 legal claim does not amount to irreparable harm"). Though Plaintiff asserts that she will
5 suffer harm to her reputation if she is evicted, she has not made a sufficient showing that
6 such harm is either likely or that it rises to the level necessary under the law.

7 Accordingly, injunctive relief is not appropriate at this time. Plaintiff's Application
8 for Temporary Restraining Order is DENIED.

9 **IT IS SO ORDERED.**



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12 Dated: January 12, 2011
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CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE